UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,173	02/10/2006	Walid Ali	PHUS030273US	6165

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
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EXAMINER
BEHRINGER, LUTHER G

ART UNIT	PAPER NUMBER
4148	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/10/2006*.
2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-15* is/are rejected.
7)☒ Claim(s) *1-15* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>10 February 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☒ All　b)☐ Some * c)☐ None of:
　　　　1.☐ Certified copies of the priority documents have been received.
　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *2/10/2006*.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: On page 3 of

the specification, line 6: The tense of the verb received is incorrect – it should read

"receive". In addition, on line 13 of the same page: The first word of the sentence

beginning with "more complete" is not capitalized.

Appropriate correction is required.

Claim Objections

2.   Claim(s) 1 – 15 are objected to because of the following informalities: In claims

1, 7, and 13: the word correlation is misspelled. The current spelling is corrlation. In

claim 1: The tense of the verb received is incorrect – it should read "receive". In claim

5: the phrase "at least tow event signals" appears to be a misspelling of the word two. In

claim 8: the method claim refers back to a device claim. In claims 2 – 6, 8 – 12, 14 and

15: Improper antecedent basis is used. For example in claim 2: "wherein the device"

should read "wherein said device."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claim(s) 1 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by

Snyder et al. (US 6,287,328).

Regarding **claim 1 and 13,** Snyder et al. discloses a device comprising: a

controller, *inference processor*, a memory coupled to the controller; and an input

interface arranged to receive at least two event signals, *measurement system*, wherein

the controller is arranged to determine a global correlation, *non-event signal*, for the at

least two event signal over a first period of time, determine a local correlation, *event*

signal, for the at least two event signals over a second period of time which is shorter

than the first period of time, determine a deviation between a local correlation vector

and a global correlation vector, determine an average deviation from the deviation and

determine whether an artifact was detected in one of the at least two event signals

(Column 4, lines 24 – 41).

Regarding **claim 7,** Snyder et al. discloses a method for detecting a signal

artifact in an event signal, the method comprising the steps of: receiving at least two

event signals; determining a global correlation for the at least two event signal over a

first period of time; determining a local correlation for the at least two event signals over

a second period of time which is shorter than the first period of time; determining a

deviation between a local correlation vector and a global correlation vector; determining

an average deviation from the deviation; and determining whether an artifact was

detected in one of the at least two event signals based upon the average deviation

(Column 6, lines 11 – 19).

Regarding **claim(s) 2, 8, and 14,** Snyder et al. discloses wherein the device is a

patient monitoring system (Abstract).

Regarding **claim(s) 3, 9, and 15,** Snyder et al. discloses wherein the at least two

event signals are patient monitored data signals (Column 4, lines 45 – 47).

Regarding **claim(s) 4 and 10,** Snyder et al. discloses an alarm indicator coupled

to the controller, the alarm indicator being triggered if at least one of the event signals

crosses a preset threshold value and the controller determines that no artifact was

detected in the at least one event signal (Column 11, lines 49 and 50).

Regarding **claim(s) 5 and 11,** Snyder et al. discloses a memory for recording the

at least two event signals (Column 4, lines 24 – 41).

Regarding **claim(s) 6 and 12,** Snyder et al. discloses wherein the device is a

server forming part of a client-server network (Column 8, lines 62 –67).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The following references are citied for disclosing related limitation

of the applicant's claimed and disclosed invention: **Ali (WO 2005/036440 A3, US**

2007/0032705), Snyder et al. (US 6,287,328), Lyster, Thomas D. (US 5,902,249),

Bornn et al. (US 5,348,008), Pfister et al. (US 4,746,910), Davis et al. (US 5,921,937),

Steinhaus et al. (US 5,217,021).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Luther G. Behringer whose telephone number is (571)

270-3868. The examiner can normally be reached on Mon - Thur 7:30 - 5; 2nd Friday

7:30 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Terrell McKinnon can be reached on (571) 272-4797. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luther Behringer
November 28, 2007

/Terrell L Mckinnon/
Supervisory Patent Examiner, Art Unit 4148